IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24262 of 2005

Between:

Mohd.Afzal Miya, S/o.Late Shaik Khasim Saheb,
R/o.Singareni Village and Manal Khammam District.

..... PETITIONER

AND

1. The District Collector, Khammam District, Khammam.
2. The Revenue Divisional Officer Kothagudem,

Khammam District.
3. The Mandal Revenue Officer Singareni Mandal,

Singareni, Khammam District.

.....RESPONDENTS

The Court made the following:

ORDER:

Questioning the action of the 2nd respondent in not passing appropriate orders on the appeal made by the petitioner dated 21.11.2004, the present writ petition has been filed.

The main grievance of the petitioner is that his land admeasuring Ac.3.24 guntas was resumed to the Government due to non-payment of the amount due

to it by one Sk. Muneeruddin, who has taken the said land on lease from the grand mother of the petitioner viz., Sk. Baniayee and in spite of making several representations to the respondents for restoration of the said land in favour of the petitioner, who is successor of the said land, no action has been taken by the respondents so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Having perused the material on record, it appears that originally Sk. Imam Saheb was assigned the land with loani patta to an extent of Ac.3.24guntas in Survey No.54 of Singareni village in the year 1980 and subsequent to his death, one Sk. Baniyee, who is the grand mother of the petitioner and who was a chronic patient, gave the land to one Sk. Muneeruddin on lease basis as the petitioner was minor at that time. Since the said Muneeruddin did not pay the amount, the land was resumed to the Government. Thereafter, the grand mother of the petitioner made a representation to the 2nd respondent on 17.03.2003 requesting him to restore her land, and the same was forwarded to the 3rd respondent. The 3rd respondent, after issuing notice and after due enquiry, passed an order dated 4.8.2003 taking over the possession of Ac.3.24guntas. Aggrieved by the said order, the grand mother of the petitioner filed an appeal before the Revenue Divisional Officer, Kothagudem and the Revenue Divisional Officer, who is the appellate authority, dismissed the appeal in Rc.No.D/2131/2003, dated 3/11/2003. Thereafter, the petitioner filed a representation to the 2nd respondent-Revenue Divisional Officer, Kothagudem on 21.11.2004 for restoration of the possession. Further, the petitioner filed another representation before the District Collector, Khammam on 16.11.2004, and the District Collector issued a memo in L.Dis.No.E4/3222/2004, dated 17.12.2004 advising the petitioner to file an appeal before the Revenue Divisional Officer, Kuthagudem, who is the appellate authority, for restoration of the land under the provisions of the A.P. Assigned Land (Prohibition on Transfer) Act, 1977 on the ground that the land was already resumed to the Government. Thereafter, the petitioner made another representation before the

District Collector, Khammam on 02.02.2005, and the District Collector, Khammam issued a memo in Rc.No.E3/386/2005, dated 21.03.2005 informing that the representation filed by the petitioner was taken as an appeal and the 3rd respondent-Mandal Revenue Officer, Singareni was requested to send all relevant connected records. But, the same has not been disposed of so far.

Having regard to the above events, and in view of pendency of appeal before the 1st respondent-District Collector, Khammam, without going into the merits of the case, I deem it appropriate to direct the first respondent to consider and dispose of the appeal pending before him in accordance with law, after affording a reasonable opportunity of hearing the petitioner, within a period of (8) weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No costs.

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(V. ESWARAIAH, J)

Date: 14.11.2005

Ksn